

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

GREGORY HUGH BRESLIN,

Plaintiff,

v.

TRANS UNION, LLC, *et al.*,

Defendants.

Civil Action No. 2:08-02236

ORDER

AND NOW, this ____ day of _____ 2009, upon consideration of the Motion to Dismiss filed by Defendants LexisNexis Risk & Information Analytics Group Inc. (“LNRIAG”) and Reed Elsevier Inc. (“Reed”) pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, any response thereto and the oral argument of counsel, the Court hereby FINDS that Plaintiff Gregory Hugh Breslin’s Second Amended Complaint fails to state any claim against either moving defendant.

In the alternative, the Court hereby FINDS that: (i) Plaintiff’s allegations as to willful violation of the Fair Credit Reporting Act do not state plausible bases for liability as to either LNRIAG or Reed, and hence fail to state claims; (ii) the “catch all” Fair Credit Reporting Act allegations in paragraph 45(d) of the Second Amended Complaint do not state a claim; (iii) Plaintiff fails to allege facts sufficient to support a characterization of either LNRIAG or Reed as a “consumer reporting agency” under the Fair Credit Reporting Act, and hence Plaintiff fails to state any claim predicated on such status; (iv) Plaintiff fails to allege facts sufficient to

trigger for either LNRIAG or Reed a dispute-investigation obligation under the Fair Credit Reporting Act, and therefore fails adequately to allege any claim under 15 U.S.C. § 1681i, as alleged in paragraph 45(a); (v) Plaintiff fails adequately to allege a common law claim for defamation; (vi) Plaintiff fails adequately to allege any claim for invasion of privacy; and (vii) all of Plaintiff's claims, to the extent they seek declaratory or injunctive relief, fail to state a claim.

The Court thus ORDERS that LNRIAG and Reed's Motion to Dismiss be and hereby is GRANTED.

IT IS SO ORDERED.

Honorable Mary A. McLaughlin
United States District Judge